

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,

Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,

Defendants.

Case No. 14-cv-05180-EMC

**ORDER PARTIALLY GRANTING  
PLAINTIFF'S SECOND REQUEST FOR  
AN EXTENSION**

Docket No. 343

Defendants filed their motion for summary judgment on June 14, 2018, nearly one month ago. Plaintiff previously requested an extension to file his opposition July 26; the Court granted Plaintiff an extra two weeks, until today, July 12, to file his opposition. *See* Docket No. 339. This morning, Plaintiff filed an eleventh-hour request for another one-week extension to file his opposition brief.<sup>1</sup> Plaintiff does not explain why he waited until the last minute to request this relief. Further, Plaintiff admits he made no effort to confer with Defendants' counsel about a stipulation.

Plaintiff has failed to establish good cause for a second extension. He claims he needs additional time because he has "been managing a crisis with a loved one" and he has "found new evidence which impacts his response." He has not submitted a declaration to support his assertions, nor has he explained the nature of the crisis, the "new evidence," or how they prevent him from filing a timely response. Plaintiff has had four full weeks to prepare his opposition, twice the amount of time normally allotted. Although Plaintiff has not shown good cause, the

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<sup>1</sup> This is part of a long pattern of untimely or last-minute requests for scheduling changes. *See, e.g.*, Docket Nos. 313 (motion filed on April 26 to request the continuance of a hearing scheduled on April 19), 274 (motion filed on Feb. 12 to request extension of lapsed Feb. 8 deadline), 247 (motion filed on July 26, 2017 requesting extension of deadline for same date).

1 Court will grant one last extension – Plaintiff must file his opposition by Monday, July 16. No  
2 further extensions will be granted. Defendant’s reply brief is still due on July 26. The hearing  
3 will proceed on August 2, as previously scheduled. The Court will not approve further  
4 modifications to the briefing or hearing schedule.

5 This order disposes of Docket No. 343.

6 **IT IS SO ORDERED.**

7 Dated: July 12, 2018

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EDWARD M. CHEN  
United States District Judge